

Restriction Requirement Response
Serial No. 10/612,784
Docket No. ORW01-GN004

REMARKS

Instant Office Action

The July 21 Office action indicates that pending claims, 1-108, are subject to a restriction or election requirement. The Office action indicates that Applicant is required under 35 U.S.C. §121 to elect a single disclosed species for prosecution on the merits.

As indicated on Page 2 of the July 21 Office action, it is alleged that the application contains claims directed to two patentably distinct inventions: (1) Species I, corresponding to claims 1-90, drawn to a restraining device, classified in class 623, subclass 11.11; and (2) Species II, corresponding to claims 91-108, drawn to a method of providing temporary stability to a prosthetic hip, classified in class 623, subclass 22.24. Applicant hereby elects in writing to prosecute claims 1-90, corresponding to Species I, drawn to a restraining device, **without traverse**.

If the Examiner holds that the instant election is proper, cancellation of claims 91-108 will follow the first Office action on the merits. Favorable consideration of the elected claims is respectfully requested.

The Office action also alleges that the application contains claims directed to three patentably distinct subspecies: (1) Subspecies I, corresponding to a scar tissue promoting agent; (2) Subspecies II, corresponding to a clotting agent; and (3) Subspecies III, corresponding to an antibacterial agent. Applicant hereby elects in writing to prosecute claims 1-90, corresponding to Subspecies I, drawn to a scar tissue promoting agent, **with traverse**.

The Office action provides no indication why these Subspecies are patentably distinct from one another or, in the alternative, provides no basis why this would result in an undue burden upon the examiner to search and examine all of the Subspecies together. In light of the clear omission of any rational basis for requiring restriction of the Subspecies, Applicant respectfully submits that the Subspecies should be searched and examined together. In any event, Applicant submits that independent claims 1, 27, 54, 73, and 82 read on subspecies 1. Thus, Applicant elects claims 1-90 for prosecution on the merits.

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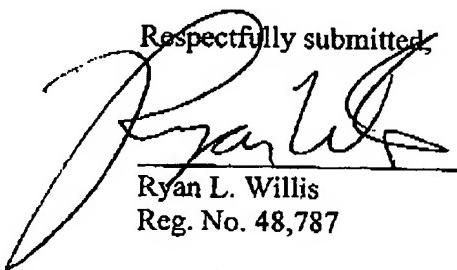
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In the event that the Examiner wishes to discuss any aspect of this response,
please contact the undersigned at the telephone number indicated below.

Respectfully submitted,



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